

Transcript of the Deposition of:

Frank Thomas, III

Date: August 18, 2006

MACON COUNTY INVESTMENTS, INC, et al

Vs

SHERIFF DAVID WARREN

Case No. 3:06-CV-224-WKW

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2	1		(\$45,000) dollars. You paid And you paid	1		that he's suffered damages. I'm
3 visited him in his house and you-all hugged each other. And you paid Donald Watkins a million dollars to serve as a consultant. 4 Who else have you paid something in connection with this project? 5 A Accounting to Jackson Thornton. 9 How much is that? 9 A Nome, as of now. 10 A Around ten thousand (\$10,000). 11 Q And who else have you paid anything in connection with this project? 12 A Forbably forty thousand (\$40,000) dollars. 13 A Forth eclearing. 14 Q How much? 15 A Forbably forty thousand (\$40,000) dollars. 16 Q Forty thousand (\$40,000) dollars to clear it. Who else? 17 A Idon't know. 18 A Attorneys. 18 A Attorneys. 19 A Idon't know. 19 A Idon't know who those lawyers were. 19 A Idon't know who those lawyers were. 17 A Idon't know who those lawyers were. 18 A Attorneys. 19 A Idon't know who those lawyers were. 10 A Idon't know who those lawyers were with the record clear. 16 A Idon't know who those lawyers were. 17 A Idon't know who those lawyers were with the record clear. 18 A Idon't know who those lawyers were. 19 A Idon't know who those lawyers were. 19 A Idon't know who those lawyers were. 10 A Idon't know who those lawyers were. 17 A Idon't know who those lawyers were. 18 A Idon't know who those lawyers were. 19 A Id	2					
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7 Q Fifty thousand (\$50,000). Total amount that's obligated to be paid? 9 Q How much is that? 10 A Around ten thousand (\$10,000). 11 Q And who else have you paid anything in concetion with this project? 13 A For the clearing. 14 Q How much? 15 A Probably forty thousand (\$40,000) dollars. 16 Q Forty thousand (\$40,000) dollars to clear it. Who else? 17 it. Who else? 18 A Atomeys. 19 Q How much? 20 MR. THOMAS: On attorneys, we're going it object. 21 MR. GRAY: I'm not asking details. I'm just asking, and he's claiming 22 MR. GRAY: I'm not asking details. I'm just asking, and he's claiming 23 is the estimated cost for future attorneys fees in connection with this? 4 A I have no idea. 8 MR. THOMAS: I know he ain't got no idea. I have no idea. 9 MR. THOMAS: I know he ain't got no idea. 10 A Let's don't run my attorney off here, now. 11 I do not know. 12 Q Let me just ask you: Do you think it will exceed the amount that you paid your consultant? If you paid the consultant a million dollars, wouldn't you flink that the lam will no dollars, wouldn't you flink that the lam million dollars, wouldn't you flink that the lawyers fee would probably be in excess of that? 18 A I have no basis by which to make that lawyers fee would probably be in excess of that? 20 Q Okay. All right. 21 A I certainly hope not. 22 Q All right. Thank you very much. I	6			6	A	
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		-	appreciate you answering my questions.	 3	Ų	Okay. Have you ever received anything in

		· Phillipson	1		MM
		[93]	İ		[94]
1		County, to help me establish a charitable	1	A	You'd have to ask Mr. Ford.
2		bingo facility, possibility finance it and	2	Q	I mean, did you ask him to attend the
3		possibility build a hotel.	3		meeting?
4		And what did he say?	4	A	No, sir.
5	A	Okay.	5	Q	Did Mr. Greg is that his name?
6	(And then what did you do?	6		MR. THOMAS: Mr. Carr.
7	A	8	7	Q	Mr. Carr ask him to attend?
8	Ç		8	A	I don't think that he did, no, sir.
9	A		1	Q	Do you think Mr. Lane asked him? That wa
10		Ford on one meeting.	10		the finances; is that right, Mr. Lane?
11	Ç	•	11	A	I would say that either Mr. Lane or Mr. Tom
12	A	•	12		DeBray asked Mayor Ford to attend the
13	Ç	•	13		meeting.
14	A	,	14		Now, who is Tom DeBray?
15	Q		15		An attorney in Montgomery.
16	A		16	Q	Is he or one of those persons connected with
17	Q		17		him MCII?
18	A	,,,,,,,	18		At this time, no, sir.
19	0	Eastdale Mall, Montgomery.	19 20	_	Was he at that time?
21	Q		21	A	I hired Mr. DeBray to help me find a
22	Q	Yes, sir.	22		charity. So, he was connected at that time, yes, sir.
23	Q	How did Mr. Ford get there, get to the meeting?	23	Ω	You hired him to help you find a charity.
-				Ų	Tou med min to help you mid a charity.
		[95]			[96]
1	A	Uh-huh (positive response).	1	A	Yes, sir.
2	Q	Okay. Now, Mr. DeBray lives where in	2	Q	You told who that you were looking for
3		Montgomery?	3		charities in Macon County?
4	A	I don't know.	4	Α	At which point?
5	Q	Is his office in Montgomery?	5	Q	At this meeting. I thought you were telling
6	Α	,	6		me about You were telling me about a
7	Q	Where did you hire him?	7		meeting in Mr. Lane's office with
8	A	At Mr. Lane's office on Gunn Road in	8		Mr. DeBray, Johnny Ford, Mr. Carr, and you
9		Montgomery.	9		is that right?
10	Q	So, you didn't go to He's an attorney?	10	A	That's correct.
11	A	Yes, sir.	11	Q	Who else was there?
12	Q	But you didn't go to his office?	12	A	That's it, best I can recall.
13	A	No, sir.	13	Q	And when was that meeting?
14	Q	You went to Mr. Lane's office?	14	A	I don't recall. I would have to look back
15	A	Correct.	15		at my checks.
16 17	Q	And it was in his office that you hired	16	Q	In your best judgment.
18		Mr. DeBray for the purpose of getting him to		A	Late 2004.
19		obtain some charities in Macon County or	18	Q A	Late 2004. Now, who called that meeting?
20		a charity in Macon County. Were you looking for one charity or more than one?	20	A	Mr. Jim Lane, James Lane.
21	Α	I wouldn't say I was solely looking for one	21	Q	And you say you retained Mr. DeBray at that time.
22		charity. So, more than one possibly.			I don't think I actually retained him in
l		Possibly.	23		that meeting, no, sir.
23	Q				

[24] (Pages 93 to 96)

1 with you? 2 A The Sheriff by no means threatened at all. 3 The Sheriff by no means threatened at all. 4 Personal conversations. 5 Q My conversation was — Did you interpret from something the Sheriff said that the Sheriff was implying that Milton McGregor was having people killed? No, sir. 9 A Was having people killed? No, sir. 10 Q All right. But he did — You say the Sheriff said to you to be aware of Milton McGregor. 13 A Not be aware, to beware. 14 Q To beware of Milton McGregor. 15 A Yes, sir. 16 Q What did you understand the Sheriff to say? 17 What did you understand him to mean? What a gloop what did you understand him to mean? What did you understand him to mean? What did you understand him to mean? What a gloop what did you understand him to mean? What a gloop what did you understand him to mean? What did	_					
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22 A He was hired in either January or February 22 A No, sir.			· · · · · · · · · · · · · · · · · · ·			
		_				
as an automey. 23 Q That's highly inconsistent, isn't it?			* 1		_	· · · · · · · · · · · · · · · · · · ·
	دع ************************************	Walter 2	as an anomey.	23	Ų	I nat's highly inconsistent, isn't it?

[28] (Pages 109 to 112)

Г		and a state of the	1		
		[125]			[126]
1		laughed at the end on the telephone that he	1		Gregory to speak with David Warren. I hired
2		may even deputize me. But it certainly had	2		Bobby and Joe to speak, and Stan was a
3		nothing to do with bingo.	3		constitutional lawyer at Bradley-Arant who
4	Ç	2 So, at this point, you hadn't even talked	4		was hired to look over rules and regulations
5		about bingo.	5		and even propose, possibly, new rules and
6	A	I don't know when that Fannin grocery	6		regulations.
7		conversation was. My goal with the whole	7	Q	Is he the one who prepared the suggested
8		deal was I didn't want to pull strings. I	8		rules and regulations that you later gave to
9		didn't want to pull favors. I didn't want	9		the Sheriff and suggested that he might want
10		to play friend. I wanted to get open fair	10		to use those?
11		and square. And I didn't want to look David	11	A	·
12		Warren in the eye and use the leverage of	12	Q	. 0
13		friendship. So, I hired Bobby Segall and	13	A	, ,
14		Stan Gregory to do all talking to David	14	Q	You knew that there were some rules and
15		Warren, and they did. Who were also friends	15		regulations that you had caused to be made
16		and	16		concerning that you were interested in
17	•		17		his adopting.
18			18	A	
19	•		19	Q	Okay. And who prepared those rules and
20 21			20		regulations?
22	Q		21 22	A	It would have been Joe Turnham, Bobby Segall
23	A	I did. Stan Gregory is another attorney I hired if I said it. I didn't hire Stan	23	^	and Stan Gregory.
23		infed it i said it. I didn't fine Stan	23	Q	Is Joe Turnham a lawyer?
		[127]			[128]
1	A	No, sir, not to my knowledge.	1	Q	I'm talking about bingo.
2	Q	Approximately how many conversations did you	2	Α	Well, you said tell you everything.
3		have with the Sheriff with reference to	3	Q	I want the conversations concerning bingd
4		getting a license for bingo?	4		that occurred at his house.
5		In what time period?	5	Α	I took a rendering of my facility to be
6		At any time period. I think you told us the	6		built to his house, and the conversation
7		first time you talked was mid spring of '05.	7		started about the property adjacent to his
8		I believe that's your testimony.	8		house. But at the Sheriff's election, he
9		We probably spoke We met two times at his	9		asked me how my project was going. What's
10					* 1 " " " " " " " " " " " " " " " " " "
		house and one time at the Sheriff's Office	10		going on, very friendly conversation. And I
11		on December 28th, 2005. And I would imagine	11		going on, very friendly conversation. And I showed him the rendering, and they liked it.
12		on December 28th, 2005. And I would imagine that we had probably between four and ten	11 12		going on, very friendly conversation. And I showed him the rendering, and they liked it. He and Pebblin were both sitting there. I
12 13		on December 28th, 2005. And I would imagine that we had probably between four and ten telephone conversations over the course.	11 12 13		going on, very friendly conversation. And I showed him the rendering, and they liked it. He and Pebblin were both sitting there. I told him what was in my heart, what I wanted
12 13 14	Q	on December 28th, 2005. And I would imagine that we had probably between four and ten telephone conversations over the course. Now, you met only twice at his house.	11 12 13 14		going on, very friendly conversation. And I showed him the rendering, and they liked it. He and Pebblin were both sitting there. I told him what was in my heart, what I wanted to do with this project; and not only with
12 13 14 15	Q A	on December 28th, 2005. And I would imagine that we had probably between four and ten telephone conversations over the course. Now, you met only twice at his house. Correct.	11 12 13 14 15		going on, very friendly conversation. And I showed him the rendering, and they liked it. He and Pebblin were both sitting there. I told him what was in my heart, what I wanted to do with this project; and not only with that project, but specifically for the
12 13 14 15 16	Q A Q	on December 28th, 2005. And I would imagine that we had probably between four and ten telephone conversations over the course. Now, you met only twice at his house. Correct. Have you told us already everything that	11 12 13 14 15 16		going on, very friendly conversation. And I showed him the rendering, and they liked it. He and Pebblin were both sitting there. I told him what was in my heart, what I wanted to do with this project; and not only with that project, but specifically for the County. The Sheriff told me that he wanted
12 13 14 15 16	Q A Q	on December 28th, 2005. And I would imagine that we had probably between four and ten telephone conversations over the course. Now, you met only twice at his house. Correct. Have you told us already everything that took place in those conversations at his	11 12 13 14 15 16 17		going on, very friendly conversation. And I showed him the rendering, and they liked it. He and Pebblin were both sitting there. I told him what was in my heart, what I wanted to do with this project; and not only with that project, but specifically for the County. The Sheriff told me that he wanted a police substation somewhere near Hardaway
12 13 14 15 16 17	Q A Q	on December 28th, 2005. And I would imagine that we had probably between four and ten telephone conversations over the course. Now, you met only twice at his house. Correct. Have you told us already everything that took place in those conversations at his house?	11 12 13 14 15 16 17		going on, very friendly conversation. And I showed him the rendering, and they liked it. He and Pebblin were both sitting there. I told him what was in my heart, what I wanted to do with this project; and not only with that project, but specifically for the County. The Sheriff told me that he wanted a police substation somewhere near Hardaway because he knew I had some land in the area.
12 13 14 15 16 17 18	Q A Q	on December 28th, 2005. And I would imagine that we had probably between four and ten telephone conversations over the course. Now, you met only twice at his house. Correct. Have you told us already everything that took place in those conversations at his house? No, sir.	11 12 13 14 15 16 17 18		going on, very friendly conversation. And I showed him the rendering, and they liked it. He and Pebblin were both sitting there. I told him what was in my heart, what I wanted to do with this project; and not only with that project, but specifically for the County. The Sheriff told me that he wanted a police substation somewhere near Hardaway because he knew I had some land in the area. I told him that I'd try to help him.
12 13 14 15 16 17 18 19 20	Q A Q A Q	on December 28th, 2005. And I would imagine that we had probably between four and ten telephone conversations over the course. Now, you met only twice at his house. Correct. Have you told us already everything that took place in those conversations at his house? No, sir. Well, tell us what took place in those	11 12 13 14 15 16 17 18 19	Q	going on, very friendly conversation. And I showed him the rendering, and they liked it. He and Pebblin were both sitting there. I told him what was in my heart, what I wanted to do with this project; and not only with that project, but specifically for the County. The Sheriff told me that he wanted a police substation somewhere near Hardaway because he knew I had some land in the area. I told him that I'd try to help him. If you would, just tell me what you said
12 13 14 15 16 17 18 19 20 21	Q A Q A	on December 28th, 2005. And I would imagine that we had probably between four and ten telephone conversations over the course. Now, you met only twice at his house. Correct. Have you told us already everything that took place in those conversations at his house? No, sir. Well, tell us what took place in those conversations.	11 12 13 14 15 16 17 18 19 20 21	Q	going on, very friendly conversation. And I showed him the rendering, and they liked it. He and Pebblin were both sitting there. I told him what was in my heart, what I wanted to do with this project; and not only with that project, but specifically for the County. The Sheriff told me that he wanted a police substation somewhere near Hardaway because he knew I had some land in the area. I told him that I'd try to help him. If you would, just tell me what you said about bingo. I'm not interested in the
12 13 14 15 16 17 18 19 20	Q A Q A Q	on December 28th, 2005. And I would imagine that we had probably between four and ten telephone conversations over the course. Now, you met only twice at his house. Correct. Have you told us already everything that took place in those conversations at his house? No, sir. Well, tell us what took place in those	11 12 13 14 15 16 17 18 19	Q	going on, very friendly conversation. And I showed him the rendering, and they liked it. He and Pebblin were both sitting there. I told him what was in my heart, what I wanted to do with this project; and not only with that project, but specifically for the County. The Sheriff told me that he wanted a police substation somewhere near Hardaway because he knew I had some land in the area. I told him that I'd try to help him. If you would, just tell me what you said

[32] (Pages 125 to 128)

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		[141]			[142]
1		take-out letter or like a CON for the	1		violated those rules when he changed them.
2		hospital industry, that you would get your	2	o	
3		license if you comply with what you tell him	3	•	Okay.
4		you are going to do.	4	Α	He had violated his own rules when he
5	Q	Now, you wanted him to sign this statement,	5		changed them.
6		right?	6	Q	
7	Α	Yes, sir.	7	Ī	keep him from violating his rules and
8	Q	And you knew if he signed this statement he	8		regulations, you wanted him to change the
9		would not be abiding by the rules and	9		regulations for you, didn't you? And isn't
10		regulations, those that he had already	10		that what
11		adopted.	11		MR. GRAY, JR: He didn't answer that
12	A	,	12		question. He didn't say yes.
13	Q	No. I'm asking you. This does not comply	13	Q	Didn't you suggest to the Sheriff so that he
14		with the rules and regulations, does it?	14		could legally sign Exhibit Two that he
15		Well, the Sheriff has the right to change	15		change his rules and regulations; isn't that
16		the rules and regulations.	16		correct?
17	Q	Well, I understand that. But I'm saying the	17	A	Did I suggest that?
18		way it is now, if he had signed this, it	18	Q	Isn't that what You said that you had
19		would have violated his existing rules and	19		given him these suggested changes.
20		regulations; isn't that correct?	20	A	I never gave him those suggested changes.
21		MR. THOMAS: It calls for a legal	21	Q	Well, you or someone on your behalf gave it
22		conclusion. You can answer.	22		to him.
23	A	I would say, yes, but he had already	23	Α	Correct. Yes, sir.
		[143]			[144]
1	Q	Isn't that correct? You said that.	-	^	
2	A		1 2	Q	All right.
3	Q	-		A	Those rules were drafted
4	Q	so that he could under if he had adopted	3	Q	I'm not asking then about how it was
5		your changes, then he could sign your	4		drafted. I might ask you that later, but I
6		certification and you would be able to	5 6		just want to get that in.
7		proceed; isn't that correct?		A	Okay. Who drafted them?
8	A	Correct. Yes, sir.	7 8	A	, , , , , , , , , , , , , , , , , , ,
9	Q	All right. So, there's no question but you	9	Q A	And Stan Gregory is from what law firm?
10	Ų	wanted him to change his rules by making the	10	Q	Bradley-Arant.
11		amendment that's set forth in Defendant's	11	A	Okay. And you paid him, of course, for it Yes, sir.
12		Exhibit Four and change in his rules to	12	Q	*
13		adopt your Defendant's Exhibit Three.	13	-	And you knew that your application as
14	A	It was a suggestion, yes, sir.	14		submitted did not comply with the then
15	Q	It was a suggestion. Okay. And you wanted	15		existing rules and regulations as
16	V	him to do that so that you would be able to	16	A	promulgated by the Sheriff, didn't you?
17		qualify under your proposed changes if he	17	<i>L</i> .7	Ask that question again. MR. GRAY: Read it back for me.
18		had adopt them then you could have	18		li de la companya de
19		qualified; isn't that correct?	19		(At which time, the Reporter
20	A	If he had Correct. If he had changed	20	A	read the requested portion.) My application was not submitted.
21		those rules, then myself and the Lucky	21	Q	Well, I mean, the application that you left
22		Palace could have both qualified to get a	22	~	at the Sheriff's You left this
44					armooneinis tonicilinis
23		license.	23		application that's attached as P-9 to the

[36] (Pages 141 to 144)

MACON COUNTY INVESTMENTS, INC, et al Vs SHERIFF DAVID WARREN

August 18, 2006 Case No. 3:06-CV-224-WKW

[149] 1 would agree with what you're saying? 2 A I think he would. 1 Q Do you know who gave the Shope documents?	[150]
2 A I think he would. 2 documents?	eriff these three
3 Q You think he would? 3 A It would either be	
4 A Yes, sir. 4 Q Do you know of your own known	wledge?
5 Q All right. When did when were these 5 A It would be Joe Tumham or Bob	by Segall.
6 Exhibits Two, Three and Four, when were they 6 Q Are you sure you didn't give the	
7 submitted to the Sheriff for his adoption, 7 A I may have also given those docu	
8 because that's what you-all wanted him to do 8 Sheriff, but I know they were intr	oduced
9 was to adopt them. When were they 9 initially by Joe and Bobby.	
10 submitted? 10 Q Isn't it a fact you did, in fact, g	
11 A I can't give an exact date. But, again, I'm 11 all these documents and wanted	l him to sign
12 going to set the time line. Joe Turnham and 12 them?	
13 Bobby Segall and Stan Gregory began in 13 A Yes, sir.	
January or February of 2005 to work on that 14 Q And wanted him to change the	
15 document. That document got changed 15 regulations solely so you and yo	
16 significantly throughout that time. They 16 charity I mean, Reach One Te	each One could
began meeting with the Sheriff, I would say, 27 get a license; isn't that correct?	
in February of 2005. I don't know when they 18 A The documents would have alread	
19 actually submitted that document to the 19 furnished to the Sheriff by Joe and	
20 Sheriff because that document changed 20 I did not see the Sheriff face to face	
21 considerably over the progression of the 21 the first meeting at his house, whi	ch would
22 Sheriff and Pebblin Warren's input into that 22 have been late spring.	
23 document. 23 Q All of these persons were your	agents, were
[151]	[152]
1 they not? They were working for you. Bobby 1 Q Yes.	
2 Segall was working for you? 2 A Well, the first amendment	
3 A Correct. He was a hired attorney. 3 Q And refer to it by the exhibi	it number.
4 Q Mr. Turnham was working for you? 4 A Well, it's Exhibit Three. With	B.
5 A Correct. 5 the rules and regulations as pro	- 1
6 Q Mr. Carr was your lawyer? 6 the Sheriff at the time, I can't to	
7 A Correct. 7 exactly what the changes are be	
8 Q Mr. DeBray was your lawyer? 8 to reference those. But I can te	i i
9 A Correct. 9	
10 Q The lawyer up in Birmingham who drafted 10 Q Which set of rules do you wa	ant?
11 these were your lawyers? 11 A The rules that you cited that w	vould be
12 A I don't know a lawyer in Birmingham. 12 compared to these at this time.	
13 Q Well, who was 13 Q We can give you copies of al	l the rules if
14 A He's in Montgomery. 14 you need to see it. But can yo	ou generally
15 Q Gregory is in Montgomery, but he's with the 15 tell us what changes, if any, w	vere made?
16 firm that's I guess the main office is in 16 A I think that the Again, I have	
17 Birmingham. 17 through, and I'm sure that the C	
18 Okay. If those rules and 18 Judge will. The build-out letter	r that you
19 regulations had been adopted, how did they 19 saw earlier would allow	DE CONTRACTOR DE
change the rules and regulations as 20 MR. THOMAS: Don't cal	ll it build-out.
promulgated by the Sheriff? 21 Call it what it is.	
22 A Can you furnish me back those rules and 22 A This "Certificate of Preliminar	
regulations? 23 of Macon County Investments,	Inc. Location

[38] (Pages 149 to 152)

_					
		[201]			[202]
1		what?	1	C	How much of it has been fully earned?
2	Α	For Macon County Investments.	2	A	I would say none of it.
3	Q	What was he supposed to do for Macon County	/ з	Ç	•
4		Investments?	4		distinct from the payment of your lawyer
5	Α	Help me form a team, a legal team, to move	5		fees. And tell the Court, if you will, who
6		Macon County Investments forward.	6		all are your lawyers in this case.
7	Q	Now, he was not to be the team, and this was	7	Α	On the pleadings, the lawyers are the
8		not for attorneys fees, but all he was going	8		lawyers as you see: Kenneth Thomas,
9		to do was get together a legal team.	9		Ramadanah Salaam-Jones, and Gary Grasso.
10	Α	Correct.	10	Q	
11	Q	Did you have a contract in writing with him?	11		pleadings, who else are your lawyers?
12	A	Yes.	12	Α	the contract of the contract o
13	Q	All right. And what's the approximate date	13	Q	in this matter advising you on this?
14		of that contract?	14	Α	— ·
15	Α	Again, I'm saying February of '06.	15		attorney and lawyer. And Bobby Segall has
16	Q	And what does the contract in effect	16		been contacted recently regarding the case.
17		provide?	17	Q	He is now representing you as plaintiff in
18	Α	If provides that Donald will coordinate the	18		this lawsuit?
19		legal battle for Macon County Investments to	19	Α	No, sir.
20		move forward in Macon County.	20	Q	He has been contacted by you for that
21	Q	And has that consultation fee been fully	21		purpose?
22		earned already?	22	Α	No, sir.
23	Α	No, sir.	23	Q	But tell us what you mean about Bobby Segal
		[203]			[204]
1		is in it.	1		people talk about it like it's
2	A	He has simply been contacted about this	2		nothing. But I'm happy to see it.
3		case. He is not actively, I guess, on	3	В	Y MR. GRAY:
4		retainer for Frank Thomas or MCI.	4	o	
5	Q	Is he a part of the legal team?	5	•	Reach One Teach One?
6	_	No, sir.	6	Α	
7	o	Do you know whether or not he has conferred	7	O	How much contribution have you made?
8		with the legal team?	8	Ā	Ten thousand, five hundred (\$10,500)
9	A	No, sir, I do not know.	9		dollars.
10	Q	Who else is on the legal team?	10	О	When did you do that?
11	Ā	That's it.	11	Ā	I would have to look at the check. It would
12		MR. GRAY: Counselor, I humbly	12		have been in I would say July.
13		apologize for having	13	Q	July of what?
14		underestimated the million dollar	14	Ā	'06.
15		fee. I should have said	15	Q	July '06?
16		multi-miliion dollars. Who told	16	Ā	Yes, sir.
17		me that at first? You did, and	17	Q	Since this lawsuit has been pending.
18		I'm sorry.	18	Ā	Correct.
19		MR. THOMAS: Thank you.	19	Q	Had you made any contribution before then?
10		-	20	Ā	No, sir.
20		MR. GRAY: It's only because in my old			110, 511.
		• • •	21	Q	Had you made any contributions at all to
20		age when I was coming along to		Q	·
20 21		age when I was coming along to talk about a million dollars is	21 22	Q	Had you made any contributions at all to

[249] [250] 1 A Yes. Q -- that you could enforce. 2 O And is that also true today? Let me change 2 A No, sir. 3 that first and ask you: Are these same 3 Q And on the other hand, if you got the 4 persons that you've listed at that time, are 4 license and you didn't want them to invest, 5 they still all on board as far as expressing 5 there is nothing they could do to make you 6 an interest now in making a financial 6 let them invest, is there? 7 investment? 7 A My word. 8 A Yes, sir. 8 Q I mean, other than your word. 9 Q Have they signed anything in writing? 9 A No, sir. 10 A No, sir. 10 Q No legal documents. 11 Q Is there anything different today in terms 11 A No, sir. 12 of the kind of commitment they made 12 Q All right. What funds are there available 13 different from the time they applied and 13 to finance this project other than the \$10 14 now? 14 million you hope to personally receive as 15 A No, sir. 15 Frank Thomas when you sell it to MCII? 16 Q So, there is nothing to compel either one of 16 A Several entities have expressed an interest, 17 those if they elected not to, even if you 17 several individuals as well. 18 got the license. There was nothing that 18 Q Do you have any commitment from any 19 would compel them to make an investment if 19 corporation to finance it? 20 they didn't want to. 20 A I did not want to rope myself to any 21 A There were --21 corporation. No, sir. 22 Q I mean, nothing legal --22 Q The answer is no? 23 A No, sir. 23 A No. [251] [252] 1 Q Do you have any firm commitment from any Q Yes, because you would have to build it 2 individual? 2 today, wouldn't you? 3 A To? 3 A Right. Well, it's -- naturally construction 4 Q To finance it. cost has significantly increased with 5 A No, sir. 5 Katrina and prime --Q Do you have any firm commitment from any 6 6 Q Just tell me the figure. 7 person, firm, corporation, or legal entity 7 A North of sixty, south \$70 million all 8 to finance this project, anything firm? 8 inclusive. 9 A Yes, sir. 9 Q Between sixty and \$70 million dollars? 10 Q What? 10 A Yes, sir. 11 A The agreement with Gaming Capital. 11 Q And you don't have a firm commitment from 12 Q Now, the Gaming Capital, I thought that was anybody to finance that sixty to \$70 million 12 just an agreement to buy some equipment --13 13 dollars? 14 A It is. 14 A No, sir. 15 Q -- and that's all. 15 Q How much did you pay Joe Turner? 16 A Yes, sir. 16 A Forty-five thousand (\$45,000) dollars. 17 Q Other than that, is there anything else? 17 Q Forty-five thousand (\$45,000) dollars to do 18 A No. sir. 18 19 Q Okay. What -- If your proposed plan is 19 A To act as a lobbyist to keep me posted with 20 built according to the plans and 20 what was going on at the State level --21 specifications set out therein, what is the 21 Q State level? 22 estimated total cost? 22 A -- and help speak with David Warren. 23 A Today? 23 Q You paid that lobbyist forty-five thousand

> (Pages 249 to 252) [63]

		11011	<u> </u>		
		[181]			[182]
1	Q	As a matter of fact, there would be any	1		trying to get a license?
2		number of folks who would like to have	2	Α	I've talked to a slew of people about trying
3		operator's license; isn't that correct?	3	_	to get a license.
5	A	Wouldn't you think so? I would think so.	4	Q	Did you ever make a contribution to Sheriff
6		Because they would have the same interest	5		Warren's campaign
7	Q	you have, and that is, to make money.	6	A	.,
8	Δ	I would think so.	8	Q A	9
9		Okay. Now, let's go back to various and	9	0	•
10	×	sundry things you've done to try to get a	10	-	Did you make a contribution towards Mr. Maloy's campaign?
11		license. Can you tell us anything else you	11		
12		have done that you have not testified to in	12		
13		order to obtain an operator's license for	13	•	during the last primary elections, any PAC
14		MCII and a bingo license for Reach One Teach	14		for any reason?
15		One?	15	A	Yes.
16	Α	I'd have to look and see what I've actually	16	Q	
17		testified to to see if that's everything. I	17	Ā	•
18		know I've worked awful hard. If I can be	18	Q	
19		furnished a list of what I have said, I	19	A	Three-letter names.
20		could rule out what I have not said. We've	20	Q	Three letter
21		been here for four hours.	21	Α	I mean, synonyms. A, B, C or B, A, D or
22	Q	y I	22		something along whatever. I don't recall
23		have not you haven't testified to about	23		the exact names.
		[183]			[184]
1	Q	And that was How many of those was it?	1	o	
2	Ā	Sir?	2	Q	checks?
3	Q	How many?	3	Α	I don't know the date.
4	À	Two.	4		In your best judgment.
5	Q	Two? And how much did you contribute?	5		I believe it would have been in May.
6	Α	A thousand dollars apiece.	6	Q	In May? Had you made any contributions to
7	Q	Was one of those STA?	7	-	those PACs before?
8	A	I'm not certain of the names, but I'm	8	Α	No, sir.
9		certain they were three-letter names.	9	Q	Who solicited these contributions?
10	Q	And one was PAC?	10	Α	From the PACs?
11	A	Yes, sir, they both were three-letter-name	11	Q	From you.
12		PACs. I don't recall the names.	12	A	Jim Goodrow (phonetic).
13	Q	Who did you give the money to to go to that	13	Q	Jim who?
14		PAC?		A	Goodrow.
15		I gave the checks to Greg Carr.	15	Q	Who is Jim Goodrow?
16 17	Q	Checks to Greg Carr.		A	A friend of mine.
18	A Q	Yes, sir.		Q	What does he do?
19	-	All right. And he was supposed to give them to whom?	18 19		He's a pilot. I'm not sure what his
l		I would assume to a representative of those	20		everyday job is. Hole a pilot whore?
21		PACs. I believe they were in Birmingham.	21	Q A	He's a pilot where? I'm not certain who he flies for,
	Q	Do you have your canceled checks?		Q	Do you know who he has flown for?
23	_	Yes, sir.		Q A	I think at one point he flew for Richard
l		· ,			at one point no new for Monard

August 18, 2006 Case No. 3:06-CV-224-WKW

				1		
			[197]			[198]
:	Ĺ		at some point, but it's yet to be	1	(2 of '06. And you have a copy of that
	2		determined. So, as for now, no, sir.	2		note?
3		Q	Did he write you a check for the million	3		Greg Carr would have a copy of that note.
1			dollars?	4	Ç	And you have actually received in cash the
5			No, sir.	5		million dollars?
6			How did you receive the million dollars?	6		No, sir.
7		A	I believe it was two hundred thousand	7	Ç	How much have you received in cash,
9			initially and then eight hundred thousand dollars.	8		Mr. Thomas?
110		Ç		9	A	, = = =
1	,	~	When did you receive the two hundred thousand?	10	•	• • • • • • • • • • • • • • • • • • • •
12		4	February of '06.	12		,
1:	-		February of '06?	13	*	
1	•	~	Yes, sir.	14		
15			And the eight hundred thousand?	15	•	
16	•		February of '06.	16		
17	7 Ç		Now, is there one note or two notes that's	17	Ā	
18	3		signed?	18	Q	
19	A	I	One note.	19	A	•
20	Q	}	And that note is dated approximately when?	20	Q	
21	. A	1	February '06.	21	-	friend?
22	•	_	February	22	Α	I met him through Jim Goodrow, a friend.
23	A	1	Of '06.	23	Q	
l			[199]			[200]
1		,	Watkins?	1	Å	
2	Α		January of '06.	2	А	It was paid as a retainer for consulting fees.
3			Now, you had your friend Al Gibbs to	3	Λ	For consultant? Now, Donald Watkins is
4	•		contribute directly to Donald Watkins a	4	Ų	the Tell me who the Donald Watkins is
5			million dollars?	5		you're referring to. There may be two or
6	Α		Yes, sir.	6		three of them.
7	Q)	Now, where does Al Gibbs live?	7	A	A friend of mine, Donald Watkins,
8	A		Birmingham.	8	Q	- 1
9	Q		What does he do?	9	Ã	F
10	A		He's in the hand core pipe business.	10		Watkins.
11	Q		In the what?	11	Q	Is he the attorney?
12	Α		Corrugated pipe.	12	A	He is an attorney.
13	Q		Corrugated pipe. What was Donald Watkins	13	Q	Is he the former City attorney for the City
14			upposed to do with the million dollars?	14		of Birmingham?
15	A		I initially felt that I was hiring him as an	15	A	Yes, sir.
16			ttorney, and that was a retainer to come	16	Q	Is he the former attorney who used to be in
17			nd help me get my facility in Macon County.	17	,	my law firm in Montgomery?
18			Ie then elected not to be an attorney and to e a consultant.	18	A	Yes, sir.
19 20	0		1	19	Q	Is that the same Donald Watkins?
21	Q		So, that million dollars was paid initially or attorneys fees; is that right?	20	A	Yes, sir.
22	A		No, sir.	21	Q	I just wanted to be sure it's the same
23			Well, tell the Court what it was paid for.	22 23		person. And you paid Donald Watkins a
	*	J-1/50			DCTrovice.	million dollars to serve as a consultant for

[50] (Pages 197 to 200)

August 18, 2006 Case No. 3:06-CV-224-WKW

<u> </u>		[49]			[50]
1	Q	-	1		MR. THOMAS: We are going to object to
2	_	A.S. Coleman, Junior, Sid Coleman.	2		that on the basis of relevancy.
3		How much did you pay for that?	3	o	·
4	_	It was bought incrementally, and I really	4	-	No, sir.
5		can't give you a definite answer.	5	0	
6	O	When did you buy it? In 200	6	A	
7	Ā		7	Q	·
8		2005.	8	Ã	•
9	Q	And you still own it.	9	Q	So, MCII has no assets at all?
10	Ā	•	10	Α	At this time, no, sir.
11	Q	Is there a mortgage on that one?	11	Q	Does it have any liabilities?
12	A	Yes, sir.	12	A	I guess it has liabilities in the amount of
13	Q	Who do you	13		the money that I have invested yet have not
14	A	Federal Land Bank of Alabama.	14		asked for in return.
15	Q	Federal Land Bank of Alabama?	15	Q	How much have you invested and not asked for
16		Uh-huh (positive response).	16		in return?
17	Q	0.0	17	A	I haven't stopped to add it up, so I have a
18	A	Five hundred thousand (\$500,000) dollars, I	18		hard time.
19		believe.	19	Q	• •
20	Q	• • • • • • • • • • • • • • • • • • • •	i .		Probably a million and a half.
21		Do you have a financial statement?	21	Q	•
22		Yes, sir.	22		spent?
23	Q	Can you make that available to us?	23	A	Yes, sir, if not more.
		[51]			[52]
1	Q	And you spent that for what purpose?	1	A	No, sir.
2	Α	To get to this table.	2	Q	It has never owned any assets at all, has
3	Q	You spent that for MCII?	3		it?
4	Α	Yes, sir.	4	Α	No, sir.
5	Q	But you didn't put the money in MCII	5	Q	Now, who are the shareholders in MCII other
6	A	No, sir.	6		than you?
7	Q	and MCII put it out. You have put the	7	A	Greg Carr.
8		money out yourself?	8	Q	Is that the lawyer who prepared your papers?
9	A	I started spending money probably in 2004	9	A	
10		for the purpose of forming a bingo facility	10	Q	Did he put any money in the corporation?
11		in Macon County, and MCI didn't form.	11	A	No, sir.
12		MR. THOMAS: You're not listening to	12	Q	What was the consideration for you taking
13		the question.	13		back the shares of stock?
14		THE WITNESS: Sorry.	14		Explain that question.
15		MR. THOMAS: You have to answer his	15		Well, you filed articles of incorporation
16	^	question.	16		for MCII, didn't you?
17 18	Q	So, MCII has never had a bank account, has	17	A	(Nodding in the affirmative.)
	A	it? No, sir.	18 19	Q A	And you took back stock. Yes, sir.
	O O	It has never owned any real estate, has it?	20	Q	How much money did you pay the corporation
	Q A	No, sir.	21	-	for that stock? Isn't it a fact,
	А О	It has never owned any personal property,	22		Mr. Thomas, you didn't pay them anything?
		TE HAS HEVEL UNHEU AHV BEISUHAI DI UDEFIV.			mar radinas, you didn't pay them anything:
	•	has it?	23	A	I've paid no cash to Macon County

[13] (Pages 49 to 52)

August 18, 2006 Case No. 3:06-CV-224-WKW

	[205]			[206]
1	e and a second of the second of	e 1	Ç	You do have a checkbook?
2		2	A	Yes, sir.
3	11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	3	Q	And those are dates of his travel here in
4	me made of 11 o numberod (\$500) dollars on	4		connection with the license process?
5	man or the state of the state o	J	A	One of the trips was Reverend Walker
6		6		distributed some checks to some local
7	C	7		charity organizations in Macon County.
8	- I modified that at the third that he came	8	Q	Okay. Now, you gave checks to Now, was
9		9		this Frank Thomas giving checks Now,
10	2 202 1 you and or stand that his principal	10		these checks you talked about so far, all
11	residence is in ristian, or as journity.	11		these checks were really checks off your
12	11 1,0,000 1 made to principal	12		personal account because you told us that
13		13		MCI didn't have any.
14	& Simj. time no a temperating it ting in	14		Correct.
15		15	Q	Okay. So, from your personal account, you
16	10,011	16		contributed are the checks you're talking
17	2 20 John Mott Hott tong has no temporarily	17		about to Mr. Walker.
18		18		Yes, sir.
19		19	Q	v, =============================
20	C 7	20		Teach One. And then you gave checks to
22	11 100 1101 1110111	21		Mr. Walker to other charities in Tuskegee or
23	2	22		in Macon County.
23	A I would have to refer to my checkbook.	23	A	I never wrote any checks to Walter Walker.
	[207]			[208]
1	I've only written checks to Reach One Teach	1		back on how he dispursed how he spent
2	One of America.	2		the how the ten thousand, five hundred
3	Q Okay. The transportation checks went to	3		(\$10,500) dollars was used?
4	Teach One?			Yes, sir.
5	A Yes, sir.		Q	Okay. Tell us how it was used.
6 7	Q Okay. And the travel checks went the same			Well, it was three different checks to three
8	way.	7		different schools. He gave me the cashier
_	A Yes, sir.	8	_	check receipt.
9 10	Q What about the checks to the charities? Which charities?		Q	All right. And do you have those cashier
11	A I wrote a check to Reach One Teach One in	10		check receipts?
12	the amount of ten thousand, five hundred		A	Yes, sir.
13	(\$10,500) dollars. Reverend Walker then had		Q A	And how much was it and to which schools?
14	the discretion to distribute that money to	14		I believe it was George Washington Carver
15	Macon County charities as he seen fit.		0	Elementary, One was to
	Q So, you're saying that the ten thousand	16	-	To George Washington Carver Elementary fo how much?
17	(\$10,000) dollar ten thousand, five			I believe two thousand.
18			Q Q	Two thousand. All right.
19	· · · · · · · · · · · · · · · · · · ·		Q A	Another two thousand was to a day care
20		20		center. I can't recall the name.
21	•		gʻ	All right.
		22	-	I believe. And the other two thousand, I
		23		pelieve, was to another school.
	C			oners, and to unother solitori.

[52] (Pages 205 to 208)

August 18, 2006 Case No. 3:06-CV-224-WKW

		[213]			[214]
1		what you did?	1	Q	
2	A	·	2	-	We took a picture in the Tuskegee News
3	Q		3	7.	simply to show again that I care and I
4	A		4		wanted to put money into the Macon County
5	Q		5		school system.
6	Ā		6	O	But that was all at the same time you were
7	Q	•	7	v	negotiating with the Sheriff about adopting
8	Ā		8		your rules and regulations that had been
9	Q	•	ı		introduced in evidence. It was during that
10	·	letter that's dated March 31st, 2006?	10		period of time.
11	Α		11	Α	What is the date again?
12	Q	•	12	Q	
13	~	an application. Well Excuse me, please.	l	Ā	
14	Α	No problem.	ł	Q	
15		(Thereupon, a discussion was	15	•	the impression that you had three charities
16		held off the record.)	16		committed to you
17	o		17	Α	No, sir.
18	•	schools in hopes that that would encourage	18	Q	to serve as operator for them?
19		the Sheriff to issue you a license?	19	A	No, sir.
20	Α	Not directly, no, sir.	20	Q	Because you did not have a George Washington
21	Q	• •	21	_	Elementary School, Lewis Adams, North
22	À	•	22		Tuskegee Public as one of your charities.
23		PR.	23		They had not applied for a license through
		[215]			[216]
4			4		
1	٨	you as a charity, had they?	1	_	No. 7 by the Reporter.)
2	A	,	2	Q	7.1
_	Q	Do you now know that they had already	3	А	It is a four-page insert that was placed in
4		applied for charity funds	4		the Tuskegee News. And it's date is
5		No, sir.	5		November of 2005. I think the distribution
6	Q	and participating in bingo?	6	_	was 15,000.
7 8	A	No, sir.	7	Q	So, you not only had it put in the
9		MR. GRAY: We offer Exhibit Six.	8		newspaper, but you distributed 15,000 of
10		(At which time, the	9		them?
11		referred-to document was marked as Defendant's Exhibit	10	A	No, sir, the newspaper distributed 15,000.
12			11 12	Q	Oh, it was an insert that went in the
13	Λ	No. 6 by the Reporter.) Do you What else have you done public	13		newspaper. And what was the total cost of that to be done?
14	Q	· · · · · · · · · · · · · · · · · · ·	14	A	1
15		relation wise? Did you circulate a	15	A	I had put fifteen thousand (\$15,000) dollars in escrow with Mr. Paul Davis. The charge
16		newsletter throughout the county telling	16		<u> </u>
17		people what you were going to do?	17		was supposed to be fifty two hundred and
	A	Yes, sir.	18		fifty (\$5,250) dollars. He doesn't seem to
-	Q A	Do you have a copy of that?	19		want to give me back ninety-seven hundred
18	~	No, sir.	20		and fifty (\$9,750) dollars of it. So, as of now you paid fifteen thousand
19			Z U	Q	So, as of now you baid lifteen thousand
19 20	Q	We might just have one.			
19 20 21		At which time, the	21	A	(\$15,000) dollars?
19 20			21 22	A Q	

[54] (Pages 213 to 216)

August 18, 2006 Case No. 3:06-CV-224-WKW

\Box			1		
		[225]			[226]
1	Q		1	Ç	Well, I mean, it's attached to his rules and
2		corporation?	2		regulations, and you heard him testify,
3	A	1	3		didn't you?
4	Q	, , , , , , , , , , , , , , , , , , ,	4		Yes, sir.
5		complaint and in the amended complaint that	1	Ç	,
6		these rules and regulations were changed,	6		and regulations, that he had adopted them.
7		and there was no explanation as to why they	7	A	
8		were being changed. Do you remember that?	1	Q	
9	A		9		what he considered reasons for making the
10			10		changes; isn't that correct?
11		changes that were commentaries?	11	A	
12		= 	12	Q	•
13 14	Q	·	13	A	
15		commentaries when the Sheriff was testifying	14	Q	
16	A	on Tuesday; isn't that correct? Yes.	15 16	A	rules published in the newspaper?
17			I		Yes.
18	Q		17 18	Q	
19		with the commentaries that he set out in it,	19		and anyone else reading the newspaper could
20		he did, in fact, set out what he considered	20		have read the rules and regulations and the
21		to be the reasons for the changes, didn't he, in the first amendment and in the second	21		commentary about the changes if you had
22		amendment, the commentaries to it?	22	Α	wanted to read them? Yes.
23	A	If he, indeed, wrote that, yes.	23	0	
	73		23	V	Okay. They weren't hid, were they?
		[227]			[228]
1	A	Sir?	1	Q	I'm asking you what would keep you from
2	Q	They were not hidden.	2		doing it, not what the Sheriff said. What's
3	Α	No, they were in, as you said, the	3		keeping you from building the facility now?
4		commentary.	4	A	I'm not an idiot.
5	Q	Okay. Now, have you incurred any other	5	Q	And that's why you haven't built it?
6		financial obligations that you claim you	6	A	Correct,
7		have spent in connection with obtaining a	7	Q	Okay. And that's why you have gone through
8		license that you have not already testified	8		all these procedures you've testified to to
9		to?	9		try to get the Sheriff to change his rules
10	A	Accounting bills.	10		to give you a license; is that right,
11	Q	Approximately how much do you owe for	11		because you're not an idiot?
12	_	accounting bills?		A	Yes, sir.
13	A	Ten thousand (\$10,000) dollars.	13	Q	Okay. And the real estate development is
14	Q	Of course, now, MCII don't have any assets,	14		your business, and that's what you know
15		so they don't have any accounting bills, do	15		about, and that's what you are trained in.
16		they, the corporation?			Not real estate development, real estate.
17	A	No, sir.	17	Q	Okay. In real estate. Do you have the
18	Q	Okay. Is there anything to keep you from	18		personal finances to finance this project?
19		building the facility if you wanted to now?		A	Yes, sir.
20	A	Yes, sir.	20	Q	You personally have the finances to finance
21	Q	What?	21		it?
22	Α	The Sheriff himself said that he wouldn't do	22	A	I believe I do.
23		it and wait on him to build it.	23	Q	Your own without any help from anybody else?

[57] (Pages 225 to 228)

August 18, 2006 Case No. 3:06-CV-224-WKW

1	was ore
2 that book have in it? 3 A A list of some perspective charities. 4 Q And as best you recall, give us the name of some of the perspective charifies that are in there. 7 A I have no idea. 8 Q Did you ever look in it? 9 A Yes, sir. 10 Q Did you read them? 11 A Not enough to really remember them heavily. 12 Q And I think you said earlier that Johnny 13 Ford furnished you that book because 14 Mr. Lane would not have had the list. 15 A Not to me. Mr. Ford furnished the book to 16 Mr. DeBray. 17 Q Okay. Mr. Ford furnished 18 A Mayor Ford. 19 Q the black book to Mr 20 A Tom DeBray. Attorney Tom DeBray. 21 Q to Attorney Tom DeBray. 22 A DeBray. 23 Q DeBray, in that meeting? 24 A No, sir. 3 Q Did they tell you where they got the black book form? 5 A The charities? Yes, sir, the book of 6 charities was from Attorney excuse me 7 from current Mayor Johnny Ford. 8 Q And you understood that Mayor Johnny Ford What did Johnny Ford say in that meeting. 9 Q What meeting did Mr. Ford give the b Mr. DeBray? 4 A I would assume that was a meeting that I not in between them. They had several m meetings. 7 Q Who brought the book to the meeting; 8 A To which meeting? 9 C The meeting you're testifying about. 10 A The book was not brought to the initial meeting when it was myself Mr. DeBray not in the initial meeting or the only meeting that I had with the current Mayor Johnny Ford. 10 Q When you had the meeting with Johnn did he have the black book? 11 Q No, sir. 12 Q When did you first see the black book? 13 A Wes or two after the meeting. 14 A To which meeting? 15 Who brought the book to the meeting: 16 Mr. DeBray. 17 A Tow block meeting? 18 A To which meeting? 19 Q The meeting you're testifying about. 10 A The book was not brought the book to the meeting with Johnn meeting when it was myself Mr. DeBray not in the initial meeting or the only Johnny Ford. 18 A Mayor Ford. 19 Q When you had the meeting with Johnn did he have the black book? 20 Q When did you first see the black book? 21 Q But you had the book so	was ore
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8 Q And you understood that Mayor Johnny Ford 8 What did Johnny Ford say in that meet	
10 A Either Tom DeBray or Jim Lane, 10 competition is good, that Macon County n	eds
11 Q And they, either one of them, gave the black 11 new investment, that Macon County needs	
book to you. 12 growth.	l
13 A Yes, sir. 13 Q And I think you said that he told you a	ŀ
14 Q And you have the black book now. 14 Mr. Walker. Johnny Ford told you abo	out
15 A Attorney Carr has the black book, I'm 15 Mr. Walker and about his Reach One T	out t
16 certain, in his office. 16 One.	ıt
17 Q All right. But it's your book. It's under 17 A No, sir.	ıt
18 your control. 18 Q You didn't tell me that?	ıt
19 A It's of no significance to me really now, so 19 A No, sir. I don't think I told you that.	ıt
20 I don't know. I feel that I can get it. 20 It's not the truth.	ıt
21 Q Okay. You can get it. All right. Does 21 Q Well, tell us Going back now, tell us well as well	t ach
22 MCII have it? 22 told you about Mr. Walker.	t ach
23 A No, sir. 23 A Greg Carr.	t ach

[26] (Pages 101 to 104)